

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

RANDY BLAKE PATTERSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-15-1204-HE
	)	
NATIONAL BOARD OF MEDICAL	)	
EXAMINERS,	)	
	)	
Defendant.	)	

**DEFENDANT’S RESPONSE AND OBJECTION  
TO PLAINTIFF’S REQUEST FOR JURY TRIAL**

Defendant, National Board of Medical Examiners (“NBME” or “Defendant”) objects to Plaintiff’s *Request for Jury Trial* [Doc. No. 8]. Contrary to Plaintiff’s assertion, a jury demand was not included in Plaintiff’s *Petition*, filed in the District Court of Oklahoma County on September 29, 2015. Further, Plaintiff waited months after the *Notice of Removal* [Doc No. 1], which was filed on October 26, 2015, to finally request a jury trial. For the reasons set forth herein, Plaintiff’s request should be denied.

1. On or about September 29, 2015, Plaintiff Randy Blake Patterson (“Plaintiff”) filed the proceeding styled *Randy Blake Patterson v. National Board of Medical Examiners*, in the District Court of Oklahoma County, Oklahoma, Case No. CJ-2015-5283. The Petition in that case did not contain a jury demand. **Exhibit 1**, Petition.

2. On October 26, 2015, Defendant filed a Notice of Removal which was served upon Plaintiff’s counsel the same day. **Exhibit 2**, Notice of Activity email from District

Court dated 10/26/2015 with attached Notice of Removal directed to Plaintiff's counsel.

3. Local Civil Rule 81.1, applicable to removed actions, states:

Unless demanded in the state court, trial by jury is waived in any case removed from a state court unless a demand for a jury trial is filed and served within 14 days after the notice of removal is filed if the party is the one who filed the removal, or if not the one who filed the removal, within 14 days after receiving service of the notice of removal.

4. Pursuant to Court Rule, Plaintiff was required to request a jury on or before November 9, 2015. Giving Plaintiff the benefit of every doubt, Plaintiff's jury demand was at least 42 days late.

In sum, Plaintiff has provided no reason, good or otherwise, for his failure to timely request a jury trial. Plaintiff's request, therefore, should be denied.

Dated: January 11, 2016

Respectfully submitted,

/s/ Jack S. Dawson

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***Attorneys for Defendant***

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> day of January, 2016, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and served the attached document by first class mail, postage prepaid, to all counsel of record addressed as follows:

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/s/ Jack S. Dawson